

REMARKS

By the foregoing Amendment, Claim 24 has been amended. Claims 24-30 remain pending. Favorable reconsideration of the application is respectfully requested.

In the final Office Action of November 25, 2008, the Examiner objected to the drawings as not showing a microcatheter. The feature of the microcatheter, which was recited in the preamble of Claim 24 and not claimed in the body of the claim as an essential element, has been deleted from Claim 24, so that it is believed that the objection to the drawings should now be withdrawn.

Claims 24-30 were rejected under 35 U.S.C. §103(a) on the grounds of obviousness from Diaz et al. as a matter of design choice, and further in view of Ahmed. Diaz et al. was cited as disclosing a sheath 12 remaining attached via a tab 24 to a segment of the deployment catheter 42, 44 for a certain amount of time. Claim 24 has been amended to recite "a longitudinal slot formed in one upper wall of the elongated tubular member and extending a majority of the length of elongated tubular member configured to allow the distal end of the hollow, elongated tubular member to be pulled off the flexible pusher member." Claim 24 also recites "the proximal segment of the elongated tubular member without a slot remaining attached to the unused segment of the flexible pusher member to facilitate initiation of loading of the flexible pusher member into the sheath." Support for the amendment can be found in the specification at page 4, lines 21-24, and page 7, lines 8-11.

At column 7, lines 14-42, column 8, lines 39-52, and Figs. 4-6, Diaz et al. discloses that the holder 16 slides longitudinally at the proximal end of the deployment catheter 42 to retain or release the tab 24 of the sheath 12. The longitudinal slit 34 extends from the proximal end of the sheath to a position intermediate the proximal and distal ends of the sheath, so that the distal end of the sheath remains connected to the deployment catheter, and the distal portion of the sheath without a slot slides over the deployment catheter as the deployment catheter exits the sheath when the embolic coil is deployed. It is respectfully submitted that the distal portion of the sheath of Diaz et al. can not be pulled off the deployment catheter, as is claimed.

Ahmed was cited as disclosing angled winged flanges. It is respectfully submitted that there is no evidence or suggestion in the combination of Diaz et al. and Ahmed of a sheath having a hollow, elongated tubular member with a longitudinal slot configured to allow the distal end of the hollow, elongated tubular member of the sheath to be pulled off the flexible pusher member, and a proximal segment of the elongated tubular member without a slot remaining attached to an unused segment of the flexible pusher member to facilitate initiation of loading of the flexible pusher member into the sheath, as is claimed. It is therefore respectfully submitted that Claims 24-30 patentably distinguish the combination of Diaz et al. and Ahmed, and that the rejection of Claims 24-30 on the grounds of obviousness from Diaz et al. as a matter of design choice and further in view of Ahmed should be withdrawn.

In light of the foregoing amendments and remarks, it is respectfully submitted that the application should now be in condition for allowance, and an early favorable action in this regard is respectfully requested.

The Commissioner is authorized to charge any deficiencies or fees in connection with this amendment to Deposit Account No. 06-2425.

Respectfully submitted,

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